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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,537	08/29/2001	Jong Chen	67,200-477	4317

7590 06/25/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/941,537

Applicant(s)

CHEN ET AL.

Examiner

John Ruggles

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 15 December 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply <sup>would have</sup> overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: 11, 13-15, 17-19, 22 and 24-26.

Claim(s) rejected: 1-3, 7, 8, 10, 11, 13-15, 17-24 and 26.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: See Continuation Sheet

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Art Unit 1756

Continuation of 2. NOTE: The (third) supplemental amendment filed on 4 May 2004 is non-compliant, because it has failed to meet all the requirements of 37 CFR 1.121, as amended for revised amendment practice and published on 30 June 2003 in the Federal Register (68 Fed. Reg. 38611), a copy of which is attached to this Office action. Applicants are reminded that all amended changes must be properly indicated by (1) underlining all additions and (2) striking out or DOUBLE bracketing all deletions (e.g., "metallic line[.]" should have been --metallic line[.]-- in lines 2-3 of amended paragraph 008, "second ARC layer[s]" should have been --second ARC layer[.]-- in line 2 of currently amended claim 15--, etc.).

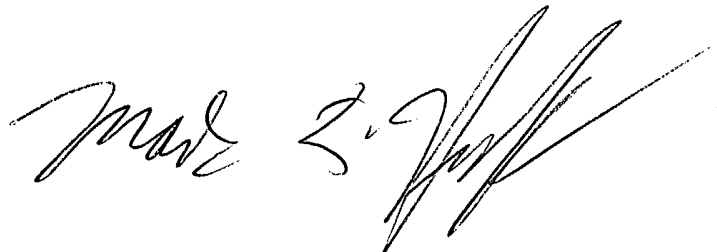
Continuation of 3. Applicant's reply would have overcome the following rejection(s): the previous objections to the specification and claims, as well as the previous rejection under the second paragraph of 35 USC 112, would have been overcome by the (third) supplemental amendment filed on 4 May 2004. However, this amendment is non-compliant for the reasons pointed out above under Item 2, and therefore has not been entered.

Continuation of 5. does NOT place the application in condition for allowance because: the (third) supplemental amendment submitted on 4 May 2004 has not been entered, because it is non-compliant (as pointed out above under Item 2). Furthermore, this amendment only addresses the previous grounds of (a) objection and (b) rejection under the second paragraph of 35 USC 112. Therefore, the previous art rejection under 35 USC 103 as stated in the Office action of 11 September 2003 has not been overcome and is still believed to be appropriate for the same reasons as explained therein.

Continuation of 10. Other: The period for reply to this Office action is the same as that given in the separate Notification of Non-compliance With 37 CFR 1.192(c), in response to the defective revised appeal brief filed on 4 May 2004. A joint response to these two Office actions is expected.



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